

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE
ASHLEY LAKE NEIGHBORHOOD PLAN UPDATE
MASTER PLAN AMENDMENT REPORT #FPMA-11-01
JULY 27, 2011**

A report to the Flathead County Planning Board and Board of Commissioners regarding a request by the Ashley Lake Land Use Advisory Committee to adopt the updated Ashley Lake Neighborhood Plan as an element of the Flathead County Growth Policy.

The Flathead County Planning Board will conduct a public hearing on the proposed update to the Ashley Lake Neighborhood Plan on August 10th, 2011 at 6:00 PM in the 2nd Floor Conference Room of the Earl Bennett Building located at 1035 1st Avenue West in Kalispell. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration. The current draft of the updated Ashley Lake Neighborhood Plan, as well as all documents pertaining to this request, is available for public inspection in the Flathead County Planning and Zoning Office located in the Earl Bennett Building at 1035 1st Avenue West in Kalispell.

I. PLAN ADOPTION PROCESS UPDATES

A. Land Use Advisory Committee/Council

The Ashley Lake Land Use Advisory Committee will hold a public meeting on July 28th, 2011 beginning at 6:00 PM in the 2nd floor conference room of the Earl Bennett Building, to review the proposed neighborhood plan update, take public comment and make a recommendation to the Flathead County Commissioners

B. Planning Board

The Flathead County Planning Board will hold a public hearing on August 10th, 2011 beginning at 6:00 PM in the 2nd floor conference room of the Earl Bennett Building, to review the proposed neighborhood plan update, take public comment and make a recommendation to the Flathead County Commissioners. This space is reserved for a summary of the Flathead County Planning Board's discussion and recommendation by resolution following the public hearing.

C. Commission

The Flathead County Commissioners will hold a public hearing on the proposed neighborhood plan on a date to be determined. This space is reserved for a summary of the Commission's discussion and decision.

II. GENERAL INFORMATION

A. Application Personnel

i. Applicant(s)

Ashley Lake Land Use Advisory Committee
1035 First Avenue West
Kalispell, MT 59901

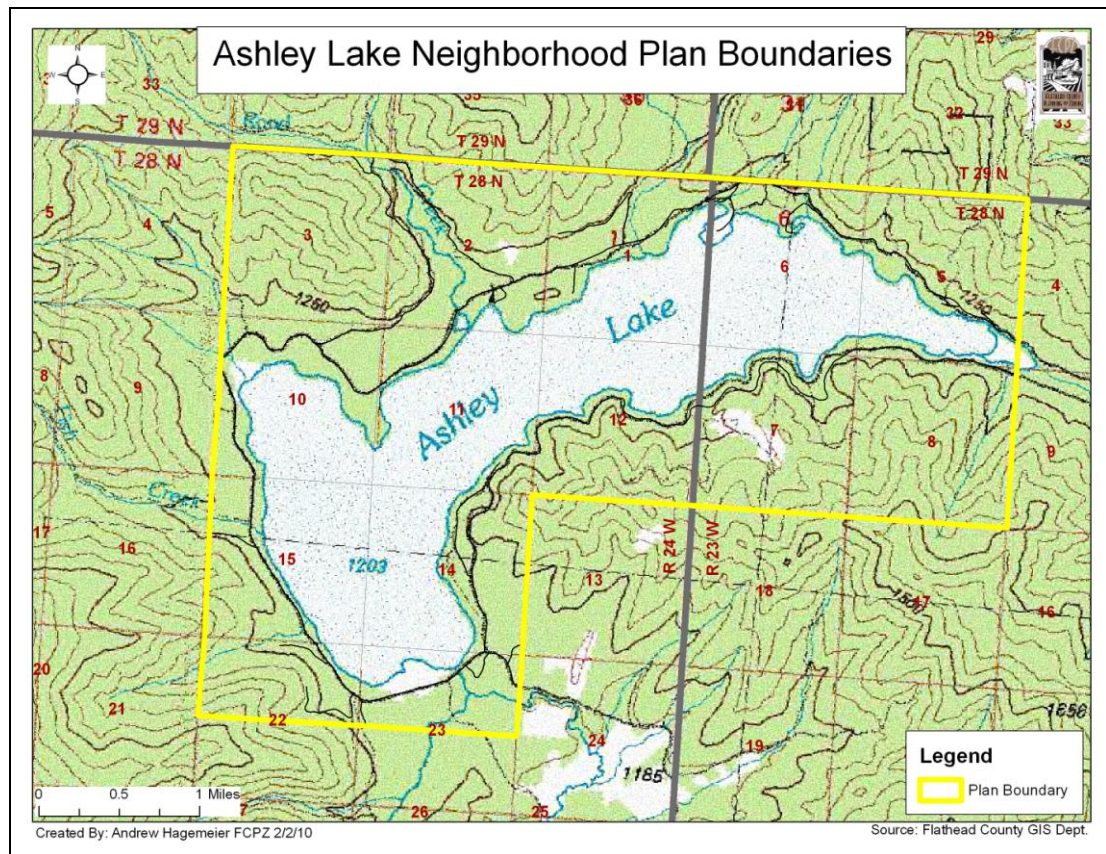
ii. Technical Assistance

Flathead County Planning and Zoning Office
1035 First Avenue West
Kalispell, MT 59901

B. Plan Area Boundaries

Areas under the jurisdiction of the Ashley Lake Neighborhood Plan include Sections 5, 6, 7 and 8 of Township 28 North, Range 23 West and Sections 1, 2, 3, 10, 11, 12, 14, 15 and the North ½ of Sections 22 and 23 of Township 28 North, Range 24 West, P.M.M., Flathead County, Montana (see Figure 1 below). These boundaries were established by Resolution No. 1295A (adopting the original Ashley Lake Neighborhood Plan) and have not been altered as a result of this update.

Figure 1: Ashley Lake Neighborhood Plan area boundaries.



C. Neighborhood Plan Community Characteristics

The Ashley Lake Neighborhood Plan was adopted by the Flathead County Commissioners on October 29th, 1997 by Resolution No. 1295A. As shown in Figure 1 above, the boundaries of the planning area encompass Ashley Lake in its entirety, as well as the land immediately surrounding the lake on either side of Ashley Lake Road (both the north and south sections). The area is generally situated between Kila and Marion off of U.S. Highway 2 West; access from the east occurs using Batavia Lane, which transitions into Ashley Lake Road after the Sherman Road intersection.

Access from the west and south is obtained using Ashley Lake Road, which intersects Highway 2 approximately 4.5 miles east of Marion. The planning area is rural in character, as both roads providing access are gravel and in various states of repair. Property surrounding the lake is moderately to heavily timbered, with rolling to mountainous terrain.

The Ashley Lake Neighborhood Plan was developed by property owners within the neighborhood planning area to address resident's concerns about the potential sale of private timberlands and future impacts resulting from development around the lake. The planning area is approximately 5,541¹ acres in size; approximately 1,140 acres are managed by the state or federal government, while the remaining 4,400 acres are under private ownership. Of that remaining private acreage, 1,793 acres are owned by Plum Creek (the largest property owner in the planning area) with an additional 325 acres owned by Stoltze. Combined, nearly 40% of the land within the Ashley Lake Neighborhood Plan area is currently managed for silvicultural purposes.

D. Authorization

The authorization to adopt new neighborhood plans – or update existing plans – as elements of the Flathead County Growth Policy is provided by Title 76, Chapter 1, Part 6 M.C.A.; specifically 76-1-601(4)(a) which states *“A growth policy may... include one or more neighborhood plans. A neighborhood plan must be consistent with the Growth Policy.”* The proposed update to the Ashley Lake Neighborhood Plan has been processed in accordance with this section of M.C.A. and has followed the process and procedures outlined in Chapter 10, Part 4 of the Flathead County Growth Policy document pertaining to existing neighborhood plans.

E. Background: History of Neighborhood Plan & Neighborhood Plan Update

i. History of Original Plan

The original planning effort began in 1996 and was initially led by the Ashley Lake Property Owners Association (ALPOA). In an effort to address resident's growing concerns over future development and related impacts to the lake, ALPOA held numerous Board meetings to discuss the future of the Ashley Lake area. Surveys were mailed to all known landowners and Association members to get feedback on key issues related to the planning effort; this survey was funded by the Association. Following the initial leg-work, the Ashley Lake Property Owner's Association turned the neighborhood-planning reins over to a steering committee made up of ten (10) individual property owners and representatives from Plum Creek and Stoltze Land and Lumber Company.

The steering committee met on a monthly basis following its creation as of June 1996. In August of that same year, the steering committee provided an update on the neighborhood planning process to the ALPOA during their annual meeting; over 100 property owners attended this meeting, and at the close of the meeting the steering committee was given direction to continue with the planning process.

¹ The original plan estimated total plan area acreage at approximately 5,491 acres; the current acreage calculations are based upon data provided by the Flathead County GIS Department and result in a net difference of 38 acres.

Work continued on the draft plan through 1996 and into 1997, and in May of 1997 a final survey and copy of the draft plan was sent to all 255 property owners within the established planning area. The steering committee received 100 responses to the survey (at a response rate of 39%); 76% of the respondents supported moving forward with the planning process.

The final draft plan was then forwarded to the County for review and consideration of adoption. On October 29th, 1997 the Flathead County Commissioners voted to adopt the Ashley Lake Neighborhood Plan by Resolution No. 1295A. The Ashley Lake Zoning District was subsequently adopted by the Commissioners on December 8th, 1997, to effectively implement the goals and policies identified within the neighborhood plan.

The original plan established some basic existing conditions for the Ashley Lake area, identifying issues and concerns and developing goals and policies to address these. The plan established the current Ashley Lake planning boundary as described above and shown in Figure 1. Elements of the original plan included:

- Introduction:
 - Planning area boundaries
 - Neighborhood history
 - Purpose for developing the plan
 - Development of the plan (process & timeline)
- Resources
 - The lake
 - General land use character
 - New residential construction
- Public Services and Utilities
- Issues and Concerns
- Summary
- The Plan (Goals & Recommendations)
- Adoption
- Application
- Implementation
- Amendment Process
- Mandatory Review

The adoption of the neighborhood plan also resulted in the creation of the Ashley Lake Land Use Advisory Committee (ALLUAC), to serve as the liaison regarding land use issues between the residents of Ashley Lake and the Flathead County Commissioners. According to the neighborhood plan, the primary responsibility of the ALLUAC is to review land use proposals subject to county regulations that occur within the Ashley Lake planning area, and to forward a recommendation on those proposals to the County Board of Adjustment, Planning Board or Commissioners. The ALLUAC is also responsible for leading revisions and updates to the neighborhood planning document.

ii. History of Update

On March 19th, 2007 the Flathead County Growth Policy was adopted (per Resolution No. 2015A), and existing neighborhood plans were incorporated as elements of this growth policy document. State law requires all neighborhood plans be consistent with the Growth Policy [pursuant to M.C.A. 76-1-601(4)(a)]. At the time of the Growth Policy's adoption, the Ashley Lake Neighborhood Plan had not been reviewed or updated since 1997, and a considerable amount of growth had occurred in the area, as well as the County in general, over the ensuing decade. Due to the changes in the Ashley Lake planning areas as well as the adoption of the new County Growth Policy and requirement for consistency, the Ashley Lake Neighborhood Plan was selected for revision by the Planning Board in 2007 (Flathead County Planning Board minutes; September 12th, 2007). The resulting Ashley Lake Neighborhood Plan update adhered to the process set forth in Chapter 10, Part 4 of the Flathead County Growth Policy, as outlined in detail below.

The Ashley Lake Land Use Advisory Committee began discussions on how to update the neighborhood plan during the summer of 2008. During this initial scoping phase of the update process, the ALLUAC invited speakers to attend committee meetings to discuss a broad range of topics related to the plan, from water quality to the development of timber lands. The Committee also gave a presentation on the neighborhood plan update process during the annual Ashley Lake Property Owners Association summer picnic held in July 2008. A survey was mailed to all property owners within the existing plan area boundary, to determine the needs and priorities important to residents. Of the 300 surveys mailed, the Committee received 142 responses (a 47% response rate); 57 'short format' surveys and 85 'long format' surveys were returned. Following review of the survey responses, the Committee summarized the major concerns and important issues, to better utilize this information throughout the neighborhood plan update process.² The initial scoping phase, conducted by the ALLUAC with assistance from ALPOA, transitioned into the formal update process during the spring of 2009, at which point the Flathead County Planning and Zoning Office became formally involved. The Ashley Lake Neighborhood Plan update effort was identified in the Planning Office's FY 2010 Work Plan, prepared in April 2009.

The Ashley Lake Land Use Advisory Committee began holding monthly advisory committee meetings, open to the public, to address issues and concerns brought up by the community survey and to discuss a plan of action to update the neighborhood plan document. These ALLUAC meetings were open to members of the public, advertised in accordance with the Committee's bylaws on public notice requirements and occurred on the following dates, beginning at 6:00 PM in the conference room(s) of the Earl Bennett Building located at 1035 1st Avenue West in Kalispell:

- July 30, 2009

² Reference *Appendix A* of the Ashley Lake Neighborhood Plan Update; "*Summary of Community Survey*".

- August 17, 2009
- August 27, 2009
- October 29, 2009
- November 19, 2009

The Committee also decided to update their Committee bylaws as part of the neighborhood plan update; once the bylaws were updated and approved in November 2009, the Committee shifted their focus entirely to the plan update. In December 2009, planning staff and a member of the advisory committee met with the Flathead County Commissioners to discuss the process and direction of the neighborhood plan update, prefacing the Committee's work in 2010.³

Throughout 2010, the Ashley Lake Land Use Advisory Committee continued to hold public meetings to discuss and review updates to the Ashley Lake Neighborhood Plan. Once again these meetings were made open to members of the public, advertised in accordance with the Committee's bylaws on public notice requirements and occurred on the following dates, beginning at 6:00 PM in the conference room(s) of the Earl Bennett Building located at 1035 1st Avenue West in Kalispell:

- January 28, 2010
- March 18, 2010
- April 15, 2010
- May 20, 2010
- June 3, 2010
- June 17, 2010
- July 1, 2010
- July 29, 2010

Following the July 29th meeting, the formal first draft of the proposed updates to the Ashley Lake Neighborhood Plan was made available to members of the public and agencies on the Planning and Zoning Office's website, as well as at the Planning and Zoning Office. Notice was mailed to all property owners within the plan area on August 5th, 2010 alerting them of the draft plan update and letting them know how to participate in the update process and/or provide comment on the draft plan. Notice also included the date, time and location of the next ALLUAC public meeting scheduled for August 26th, 2010 and encouraged their attendance. Similar notice of the update process, availability of the draft plan text and the August public meeting date and time was mailed to public agencies on August 10th, 2010, requesting their comments on the plan and participation at the meeting. Similar to ALLUAC meetings prior, notice of the August 26th meeting was published in the Daily Interlake Daybook and posted on the Flathead County Planning & Zoning website in compliance with the ALLUAC bylaws regarding notice of monthly committee meetings. Planning staff also posted notice of the meeting on the community bulletin boards at either end of Ashley Lake, pursuant to the posting requirements for a 'special meeting' called by the Committee.

³ Reference Flathead County Commissioners minutes; December 17th, 2009.

Leading up to the August 26th, 2010 public meeting, the Planning & Zoning Office received ten (10) written comments from landowners within the planning area regarding specific content within the document and offering suggestions on how to improve the plan. Comments focused on the condition of the gravel road, the need for road improvements as well impacts from dust related to increased development; grandfathered uses and how they should be dealt with in the plan; current and future lake access as well as campground facilities; property rentals; enforcement of current lakeshore regulations; treatment of marinas, resorts and multi-family dwellings; protection of water quality; all-terrain vehicle (ATV) activity; and the placement and use of recreational vehicles as dwellings on property. A thorough review of the comments submitted indicate 9 out of 10 generally support the neighborhood plan and proposed update; one comment appeared non-committal and generally negative.

A total of 17 individuals attended the ALLUAC public meeting held on August 26th, 2010; three (3) individuals spoke during the public comment portion of the meeting. The ALLUAC took the comments and discussion that occurred on the 26th under advisement and held two additional meetings to discuss revisions to the draft. These meetings were made open to members of the public, advertised in accordance with the Committee's bylaws on public notice requirements and occurred on the following dates, beginning at 6:00 PM in the conference room(s) of the Earl Bennett Building located at 1035 1st Avenue West in Kalispell:

- September 9, 2010
- October 7, 2010

Five (5) additional written comments were submitted to the Planning and Zoning Office between the August 26th and October 7th ALLUAC meetings; two of the five comments were written in direct support of the plan update and effort thus far, while two comments offered specific text changes and/or suggested topics to clarify further, and one comment provided an example document from the Conservation District and the Department of Natural Resources and Conservation offering suggestions on improving streambed and lakeshore protection measures. Following the October 7th, 2010 ALLUAC meeting, a second draft of the Ashley Lake Neighborhood Plan update was finalized and posted on the Planning & Zoning Office website for public consumption. On October 13th, 2010, planning staff presented the second draft of the Ashley Lake Neighborhood Plan Update to members of the Flathead County Planning Board during the "New Business" portion of their regular meeting.⁴ At the request of planning staff on behalf of the ALLUAC, the Planning Board decided to schedule a public workshop in early spring to review the plan update, allow additional opportunity for public comment and provide the Land Use Advisory Committee input on the plan prior to it being formally submitted to the County for consideration.

The Ashley Lake Land Use Advisory Committee continued to hold monthly public meetings through the end of the year and into 2011, to discuss the plan update review process (following submittal to the County for consideration), and

⁴ Reference Flathead County Planning Board Meeting Minutes, New Business, October 13th, 2010

to discuss potential revisions to the Ashley Lake Zoning District as a result of the proposed neighborhood plan update. Once again these meetings were made open to members of the public, advertised in accordance with the Committee's bylaws on public notice requirements and occurred on the following dates, beginning at 6:00 PM in the conference room(s) of the Earl Bennett Building located at 1035 1st Avenue West in Kalispell:

- November 18, 2010
- December 16, 2010
- February 24, 2011

On March 16th, 2011 the Flathead County Planning Board held a public workshop in the 2nd floor conference room of the Earl Bennett Building in Kalispell to review Draft Two of the proposed Ashley Lake Neighborhood Plan Update, provide input on the plan and make suggestions to the Ashley Lake Land Use Advisory Committee prior to the plan being submitted for formal review. Notice of the public workshop was posted on the Flathead County Planning and Zoning website, appeared in the Daily Interlake Daybook and was placed on the community bulletin boards at either end of Ashley Lake. Eight of nine Planning Board members and four of six ALLUAC members were in attendance for this workshop; four members of the public attended as well, to provide comment on the second draft of the plan update. One written public comment was received prior to the workshop, in support of the Ashley Lake Neighborhood Plan and proposed update.

During the workshop the Board made numerous suggestions on how the Committee might make improvements to, or further clarify the plan prior to submittal. The Land Use Advisory Committee took the suggestions made by the Planning Board members, as well as the written and verbal comment received during the workshop, and held two subsequent public meetings to review and discuss potential edits to the plan. These meetings were made open to members of the public, advertised in accordance with the Committee's bylaws on public notice requirements and occurred on the following dates, beginning at 6:00 PM in the 2nd floor conference room of the Earl Bennett Building located at 1035 1st Avenue West in Kalispell:

- March 31, 2011
- April 28, 2011

During the April 28th, 2011 public meeting the four ALLUAC members present approved a motion to forward the Ashley Lake Neighborhood Plan Update, as amended following the March 16th, 2011 Planning Board Workshop, to the Flathead County Planning and Zoning Office as a formal application, to be considered by the Flathead County Planning Board and Flathead County Commissioners as an amendment to the Flathead County Growth Policy. A formal application for a master plan amendment was submitted to the Planning and Zoning Office on May 6th, 2011, and file #FPMA-11-01 was created at that time. A Planning Board public hearing was scheduled for August 10th, 2011, preceded by an Ashley Lake Land Use Advisory Committee Meeting on July 28th,

2011, to provide additional opportunity for public involvement in the update process. Following formal submittal of the plan, the Ashley Lake Land Use Advisory Committee held one additional meeting on June 9th, 2011, to review the formal update process with planning staff and discuss how to prepare for the Planning Board hearing. As with all previous committee meetings, the meeting on June 9th was open to members of the public, advertised in accordance with the Committee's bylaws on public notice requirements and took place beginning at 6:00 PM in the 2nd floor conference room of the Earl Bennett Building located at 1035 1st Avenue West in Kalispell.

F. Community Support of Proposed Plan

General support of the Ashley Lake Neighborhood Plan update process has been established by the results of the community survey, written public comment received to date and the level of participation in the effort, *particularly* in the formative stages of the update process. The Ashley Lake Land Use Advisory Committee has planned to participate in the annual Ashley Lake Property Owners Association picnic, to be held on August 6th, 2011, to provide information on the update process and encourage community participation and support at the Planning Board public hearing scheduled for August 10th, 2011.

G. Compliance With Public Notice Requirements

A letter notifying all property owners within the Ashley Lake planning area of the August 10th, 2011 public hearing before the Flathead County Planning Board, the July 28th Ashley Lake Land Use Advisory Committee meeting, and where to get a copy of the final draft of the Ashley Lake Neighborhood Plan Update was sent on June 29th, 2011. This letter was sent as courtesy and was not required by law. Legal notice of the Planning Board public hearing was published in the July 24th, 2011 edition of the Daily Interlake. Planning staff also posted notice of the public hearing on the community bulletin boards at either end of Ashley Lake on July 18th, 2011.

H. Agency Referrals

Agency referrals are not always sent for neighborhood plan revisions; however, agency referrals were sent on two separate occasions during the Ashley Lake Neighborhood Plan update process – once following the creation of the initial draft (August 10th, 2010) and again following submittal of the final draft document currently under review. The agency lists are almost identical, with the exception of the County Sheriff (changed followed the 2010 election cycle) and the addition of specific individuals with the Montana Department of Natural Resources & Conservation. The following list of public agencies was sent referrals on May 26th, 2011, requesting comment on the proposed neighborhood plan update:

- Chuck Curry, Flathead County Sheriff
- Jim Chilton, Flathead County Solid Waste
- Dave Prunty, Flathead County Public Works
- Glen Gray, Flathead City-County Health Department

- Joe Russell, Flathead City-County Health Department
- Marcia Sheffels, Superintendent of Schools
- Lincoln Chute, Office of Emergency Services
- Smith Valley Fire District
- Marion Fire District
- Marion Elementary School District
- Flathead High School District
- John Vore, MT Fish, Wildlife, & Parks (FWP)
- Lynn Verlanic, U.S. Fish & Wildlife Services (USFWS)
- Jed Fisher, Flathead County Weeds & Parks Department
- James Freyholtz, Montana Department of Transportation
- Larry Van Rinsum, Flathead Conservation District
- AMS, USPS Billings
- Jamie Murray, Bonneville Power Authority
- Fred Holmes, Department of Natural Resources & Conservation (DNRC)
- Marc Pitman, Department of Natural Resources & Conservation (DNRC)
- Anne Moran, Department of Natural Resources & Conservation (DNRC)
- Steve Lorch, Department of Natural Resources & Conservation (DNRC)
- US Forest Service, Planning Staff Officer

III. COMMENTS RECEIVED

A. Public Comments

As previously stated, two property owner notifications have been sent by the Planning and Zoning Office as part of the Ashley Lake Neighborhood Plan update process. An initial letter notifying property owners of the first full draft update was sent on August 5th, 2010; a total of sixteen (16) comments were received as a result of this initial notification process and subsequent public meetings. The following is a brief summary of the comments received during this initial comment period:

- Ed Speelman (2 letters)
 - Suggested grammatical edits proposed to the draft neighborhood plan
- Della Hallock
 - Concerns about road condition
- Harrold & Jo Ann Farris (2 letters)
 - Suggestions on lake access, grandfathered uses, and commercial campgrounds
 - Generally support the plan update
- Doug & Brenda Bauman
 - Concerns regarding resorts, short-term rental properties
- Elizabeth Makman
 - Concerns regarding marinas and multi-family dwellings, enforcement of lakeshore regulations and accurate count of septic systems
 - Generally supportive of plan update
- James W. Lewis
 - Would like to see the lake kept beautiful

- Generally supportive of planning and zoning process
- Sara Davies & Ron Evans
 - Would encourage restrictions on ATV use of land
- Dave & Sharon Bateson
 - No controls placed on placement and duration of RV's
 - Do not support the allowance of marinas or resorts
 - Feel there should be more emphasis placed on issue of dust
- Donald & Janice Tomfohr
 - Would like to have their property withdrawn from plan
 - Do not support controls placed on placement and duration of RV's
 - Would allow free-standing marinas or resorts
 - Feel the plan should focus on water quality issues
- Randall Nelson
 - Concerns regarding firework damage to the lake, campground fires and ATV use/damage to hills
- Richard Chapin
 - Supports the Ashley Lake Neighborhood Plan update
- Thomas Bates
 - Supports the Ashley Lake Neighborhood Plan update
- Robert Dueker
 - Agrees with Thomas Bates' letter; supports the Ashley Lake Neighborhood Plan update
- Ronald Buentemeier
 - Provided Flathead Conservation District Adopted Rules handout, applicable to rivers and streams, for use/comparison to lakes

A second letter notifying property owners of the final draft update to the Ashley Lake Neighborhood Plan as well as the Planning Board public hearing was sent on June 29th, 2011. As of the date of completion of this staff report, the Planning and Zoning Office has received no written comments on the proposed update. Four individuals have contacted the Planning and Zoning Office to obtain a copy of the Ashley Lake Neighborhood Plan Update via email. It is anticipated any member of the public wishing to provide comment on the final draft of the neighborhood plan will do so during the public hearing portion of the Planning Board hearing on the proposed update. Written comments will be accepted until 5:00 PM on August 10th, 2011, and will be summarized verbally into the public record at the Planning Board public hearing.

B. Agency Comments

As of the date of the completion of this staff report, two agency comments have been received and are summarized below. Agency comments received after the completion of this staff report will be summarized verbally into the public record at the Planning Board public hearing in August.

- Jamie C. Murray, Bonneville Power Administration
 - No objection to the approval of the plan.
- Dave Prunty, Flathead County Road and Bridge Department

- Flathead County Road & Bridge Department maintains the Ashley Lake Road and North Ashley Lake Road, along with a few other roads in the (Ashley Lake) area.
- These roads offer significant challenges due to their rural character and location; some of the road around the lake is in a condition we find acceptable for the area, but a major portion of road is in poor to very poor condition.
- If unlimited resources were available to our department, we would very much like to improve the road to our gravel road standard.
- Many roads around the County (maintained by the Road & Bridge Department) have road counts (average daily traffic) that greatly exceed the counts on the roads surrounding Ashley Lake; these roads typically receive priority when it comes to maintenance decisions.
- The Road & Bridge Department performs two gradings of the road each year, in the spring and fall. The rural character of the area and the lower traffic counts lend to the level of maintenance this road receives.

IV. EVALUATION OF PROPOSED NEIGHBORHOOD PLAN

A. Review of Neighborhood Plan Contents

According to Montana law [76-1-601(4)(a) M.C.A.], and as referenced above, a Growth Policy may include one or more neighborhood plans. Neighborhood plans serve a smaller sub-area of the Flathead County Growth Policy jurisdiction and are addressed in Chapter 10 of the Growth Policy document. The elements a neighborhood plan may contain are outlined in Chapter 10, Part 1 of the Flathead County Growth Policy, as well as 76-1-601(3) M.C.A. However, the extent to which the Growth Policy addresses these elements is at the full discretion of the governing body, pursuant to 76-1-601(2). While neighborhood plans must be consistent with the Flathead County Growth Policy, the extent to which each unique plan addresses the required elements found in 76-1-601(3) M.C.A., as well as the elements listed in Chapter 10, Part 1 of the Growth Policy, is equally discretionary. What follows is a review of the possible elements of a neighborhood plan, pursuant to Chapter 10, Part 1 of the Flathead County Growth Policy and 76-1-601(3) M.C.A. , and the extent to which the Ashley Lake Neighborhood Plan addresses each element.

i. Existing Characteristics

Chapter 3 of the neighborhood plan focuses specifically on the existing conditions within the Ashley Lake planning area. Topics covered in this chapter include:

- Natural Resources
 - Physical Environment
 - Vegetation
 - Wildlife
 - The Lake
 - Fisheries
- Lands with Impediments to Development
 - Wetlands

- Floodplain
 - Steep Slopes
 - Shallow Groundwater
- General Land Use Character
 - Existing Land Use
 - New Residential Construction
- Infrastructure, Public Services and Utilities
 - Roads
 - Water Supply
 - Waste Water Treatment
 - Electricity
 - Telephone
 - Propane
 - Emergency Services
 - Wildland Urban Interface
 - Law Enforcement
 - Emergency Transport
 - Newspaper/Mail Service
 - Public Parks & Lake Access
- Economic Conditions, Demographics and Anticipated Growth

For each of the topics listed above, the neighborhood plan provides an overview of the existing conditions related to each while also identifying specific issues or concerns to discuss further in Chapter 4 – Issues and Opportunities.

Data published from the United States Census Bureau does not provide the specificity required to determine an exact population for the Ashley Lake planning area. The plan uses data provided by the Flathead County GIS Department as well as the Montana Computer Assisted Mass Appraisal (CAMA) Parcel Details Report, supplied and maintained by the Department of Revenue, to determine the number of parcels classified ‘residential’ in the planning area. Assuming each of the 324 residential parcels within the planning area is a household, and using the Flathead County average of 2.48 people per household, the plan estimates a total of 838 people live full time or seasonally within the Ashley Lake Neighborhood Plan area. The existing land use map found in Chapter 3 describes the types of land uses present in the Ashley Lake planning area, which are predominantly agricultural, residential or federal lands. Certain properties are currently “unclassified” according to the existing land use map, and only one property has been designated for “commercial” use within the planning area boundary.

ii. Projected Trends

Projected growth and development trends are discussed in the subsection of Chapter 3 entitled “Economic Conditions, Demographics and Anticipated Growth”. The plan looks at certain national trends that may influence the Ashley Lake planning area (such as the retirement age of the baby boomer generation and their impact on seasonal vacation homes and travel), as well as the potential for

more and more seasonal residents to make the Ashley Lake planning area their permanent location. Both of these trends could have an impact on the character and openness of the area, as well as the quality of Ashley Lake itself.

The plan also addresses growth that has occurred over the past 14 years, since the original Ashley Lake Neighborhood Plan was adopted in 1997. Development trends are discussed under “New Residential Construction”, another subsection identified above in Chapter 3. As the County does not have a building department and the State only issues building permits for commercial construction, the plan uses the issuance of septic permits to gauge the amount of development occurring annually. Between 1997 and 2009 a total of 105 septic permits were issued within the Ashley Lake planning area; this showed a 194% increase over the previous 13 year period between 1984 and 1996, when only 54 septic permits were issued. The plan uses this observation as an indicator that the planning area will continue to experience growth in years to come, especially if the trends discussed above come to fruition.

iii. Community Goals and Policies

Chapter 5 identifies the goals, policies and action items specific to the Ashley Lake Neighborhood Plan. As defined, goals are general statements that cover a wide range of topics addressed within the planning document. Policies are more specific statements on how to achieve the goals identified, and may be long term or short term in duration. Actions are specific items that provide measurable steps used to implement a policy or achieve a goal. The goals, policies and actions listed are based upon issues and opportunities identified in Chapter 4. These issues and opportunities originated from the existing conditions within the Ashley Lake planning area as well as from input received from the community over the course of the three year planning process. In total there are four (4) goals, twelve (12) policies and twenty-one (21) action items identified in Chapter 5.

iv. Land Uses

The Ashley Lake Neighborhood Planning area is somewhat unique in that the character of the entire area is rural residential with large amounts of acreage currently utilized for agriculture/silviculture activities. The plan does not contain a “Future Land Use” map because the future land uses anticipated are identical to those existing land uses; predominantly rural residential and agricultural. The remote location of the neighborhood plan and the existing infrastructure in place make it undesirable for high density development or commercial activities in the future; therefore these types of land uses are not expressly contemplated in the planning document. Furthermore, the entire planning area is currently zoned “Ashley Lake”, a designation intended to *“implement the Ashley Lake Neighborhood Plan by protecting the quality, character and openness of Ashley Lake and the surrounding neighborhood by providing guidance for future development”* [Section 3.38.010 FCZR]. The zoning was adopted on December 8th, 1997, as a mechanism by which to implement the neighborhood plan document, per Resolution No. 955AM.

v. Population

As discussed above, the exact population of the Ashley Lake Planning Area is difficult to determine based on the detail available and provided by the U.S. Census Bureau. The plan estimates roughly 838 people living year-round or seasonally within the planning area, based on land use data provided by the state and the average household size established for Flathead County. While the plan does contemplate local and national trends that may influence growth and development into the future, this growth would be limited by the existing zoning regulations, as well as the limited infrastructure in place and the extent of the planning area in general.

vi. Housing Needs

The type and amount of residential development that will occur in the Ashley Lake planning area will largely remain a function of economic conditions and the real estate market in northwest Montana. The plan identifies single-family residential development as typical and appropriate for the planning area, pursuant to specific goals, policies and action items found in Chapter 5 (Goal 1, Policy 1.2 and Action Items 1.2.1 and 1.2.2). The prevalence of RV's utilized for seasonal recreational use and (occasional) long-term residential use is discussed at length, with regard to their impact on the lake and the water quality. The appropriateness of multi-family dwellings within the planning area is also addressed. The plan generally supports continued growth and development in a manner consistent with what has occurred over the last 14 years and can be summarized as characteristically rural residential and, to a great extent, seasonal. The plan supports future housing in the form of single-family residential, discouraging multi-family dwelling types such as duplexes, townhomes and apartment or condominiums. This is based upon the current development pattern, limited infrastructure and access suitability as well as the community's strong desire to maintain the quality of Ashley Lake itself.

vii. Economic Conditions

Although relatively close to the city of Kalispell, the Ashley Lake planning area remains economically isolated compared to other parts of the County due to limited infrastructure such as public water and sewer service, cell phone coverage and substandard gravel roads. As a result, the type and intensity of commercial activity occurring in this area is limited. The plan identifies a handful of home-based businesses presently within the planning area, but acknowledges these businesses are of a type that generally do not provide services to the local population or draw in customers from outside the planning area. Chapter 4 identifies specific issues and opportunities relating to commercial development within the planning area; commercial activities of a type and scale inconsistent with rural residential uses are discouraged, however home based occupations and low-impact commercial activities are acknowledged as a small but accepted part of the community fabric.

viii. Local Services

The Ashley Lake Neighborhood Plan area is primarily served by either Ashley Lake Road or North Ashley Lake Road, as these County-owned public roadways form the infrastructure ‘backbone’ circling the lake itself. As with all roads within the planning jurisdiction, Ashley Lake Road and North Ashley Lake Road are gravel roads in varying states of repair. The relatively small population and rural characteristics of the Ashley Lake planning area have resulted in limited improvements to the roadway, as described by agency comment provided by the Road & Bridge Department.

The entire planning area is located outside of a rural fire district, although the Smith Valley and/or Marion Fire Departments may respond to structural fires on a case-by-case basis. The Department of Natural Resources and Conservation (DNRC) is responsible for wildfire response in the planning area. The Ashley Lake community is located within the jurisdiction of the Flathead County Sheriff’s Department, although response times in the event of an emergency would likely be delayed due to the condition of the roadways and remote location. Ambulance response times would be similarly affected; however, the plan identifies the five existing ALERT heliport locations around Ashley Lake. Additional services provided to residents include telephone, internet and electricity. Natural gas is not available; therefore residents must obtain propane as necessary. Mail service is only available for residences generally located on the east half of the lake, and delivery is limited to the mailboxes located at the east ‘Y’ intersection of Ashley Lake and North Ashley Lake Road(s). Newspaper delivery occurs at the end of the pavement on Ashley Lake Road (accessed from Batavia Lane). Residents on the west end of the lake do not enjoy these same services and are required to get mail and newspaper delivery via P.O. Box at one of the local post offices.

ix. Public Facilities

All development within the Ashley Lake neighborhood must utilize well and septic facilities, as the planning area is located outside the jurisdiction of a public water and/or sewer district and there are no plans to extend these types of facilities to the planning area in the future. According to the neighborhood plan document, two of the newer subdivisions within the Ashley Lake Neighborhood Plan area have established multi-user septic systems to serve individual properties located within the development; however, most parcels within the planning area utilize on-site individual septic systems for wastewater disposal. Similarly, there are multi-user wells present within the planning area, classified “public” by the Montana Department of Environmental Quality and serving more than one property. However, most lots continue to utilize the lake or individual, onsite wells as their primary source of water.

x. Natural Resources

Due to the rural, remote location of the Ashley Lake planning area, preserving the existing natural resources is an important component of the Ashley Lake Neighborhood Plan. In fact, the vision developed by the Ashley Lake community

states the intent of the plan is *“to provide a safe community and preserve and enhance the unique environment which we have been fortunate to have bestowed upon us. To this end we seek to be strong stewards protecting the water, air quality, maintaining the serenity and improving upon the health of the forest that surrounds Ashley Lake, and maintaining the closeness of the Ashley Lake Community.”* Existing natural resources center on the lake itself, as well as the vegetation and wildlife that depend upon its existence. Ashley Lake is particularly unique in that there are three - potentially four - nesting pairs of loons that make their home on the lake. Additional wildlife including the wolverine, Canada lynx, fisher, Great Blue heron, black tern, Pileated woodpecker and bald eagle can be found within the planning area; all of which are identified as species of concern according to the Montana Heritage Program. The area is also considered general range for animals including the black bear, mountain lion, moose, mule and whitetail deer according to Montana Fish, Wildlife and Parks (MT FWP).

The forested nature of the planning area has made it ideal for silvicultural uses, as much of the land is currently owned and managed by Plum Creek or Stoltze Land and Lumber Company for timber production. The lake is also considered a non-native fishery, and Montana FWP replenishes the fish population in the lake on an annual basis. These natural resources and unique characteristics have made the Ashley Lake planning area a popular place for outdoor recreation activities.

xi. Sand and Gravel Resources

The plan discusses surficial geology specific to the Ashley Lake planning area under the Natural Resources section found in Chapter 3 of the document. At present, there are no gravel pits or extractive industries permitted within the Ashley Lake planning area, as shown by Flathead County GIS and data provided by the Montana Department of Environmental Quality Open-Cut Permitting section. The zoning in place (“Ashley Lake”) does not permit or conditionally permit extractive industries within the planning area.

xii. Maps

The original Ashley Lake Neighborhood Plan did not incorporate maps at the time it was adopted. The neighborhood plan update contains 9 maps showing existing conditions covering various topics. The maps are used as visual aids to convey these existing conditions more effectively than text, and for illustrative purposes to assist members of the community to locate certain characteristics within the planning area. Maps included in the document are as follows:

- Figure 1: Ashley Lake Planning Area
- Figure 2: Approximate Watershed Boundaries of Ashley Lake
- Figure 3: Location of Wetlands
- Figure 4: Slopes Greater Than 30%
- Figure 5: Current Property Ownership Map
- Figure 6: Existing Land Use Map
- Figure 7: Ashley Lake Planning Area Road Network

- Figure 8: The Identified Wildland Urban Interface
- Figure 9: Approximate Locations of the Alert Heliports on Ashley Lake

xiii. Coordination Statement

The Coordination Statement is found in Chapter 8 of the neighborhood plan update. This chapter addresses specific coordination efforts to be undertaken by the Ashley Lake Land Use Advisory Committee, to ensure involvement in state or federal agencies' planning processes as they relate to the Ashley Lake community and the neighborhood planning document. While the neighborhood plan has no control over state or federal actions, increased and improved coordination between the ALLUAC and these agencies can have a positive impact on the future of the Ashley Lake planning area.

xiv. Implementation Strategy

Implementation strategies for the Ashley Lake Neighborhood Plan are identified in Chapter 6 of the planning document. The plan separates implementation strategies into 3 different categories as follows:

- Community Actions
- Land Use Advisory Committee Actions
- Regulatory Recommendations

Community Actions are implementation strategies that can be affected by community members and landowners within the plan area. The plan specifically identifies zoning enforcement as an implementation strategy for the community, as supported by Action 1.5.3 found in Chapter 5.

Land Use Advisory Committee Actions are implementation strategies that can be affected by the Committee to help implement the goals and policies identified within the plan. These strategies include serving as a 'voice' for the residents of Ashley Lake, proposing amendments to the plan and/or zoning regulations, supporting efforts by volunteers and/or agencies to monitor water quality, working to better understand the relationship between septic systems and the water quality of Ashley Lake, and communicating effectively with state and federal agencies.

Regulatory Recommendations are recommendations for changes to existing regulations and promoting the effective implementation of existing regulations. The plan recommends specific changes to the existing "Ashley Lake" zoning designation, to be discussed following adoption of the neighborhood plan update. This section of the plan also discusses the subdivision, floodplain and lakeshore regulations and how the plan, as a non-regulatory document, can serve to inform the public review process incorporated as part of each regulatory document.

xv. Monitoring Plan

Monitoring of the plan is addressed in Chapter 8 – Revision and Amendment Procedures, under the subsection entitled 'Mandatory Review'. It states that the Ashley Lake Land Use Advisory Committee should convene, at minimum, every five years from the date of the plan's adoption to review and ensure compliance

with the Flathead County Growth Policy. The plan also stipulates that at that time, the Committee should review the plan, as well as the corresponding zoning regulations, in light of development activity or changes that have occurred in the planning area. It is suggested the Committee then forward a report to the Flathead County Planning Board and County Commissioners recommending changes as deemed appropriate to ensure the smooth administration of the plan; to ensure that any implementation strategy (i.e. zoning) meets the desired goals of the plan; and to address any unforeseen issues or circumstances not originally or adequately addressed by the existing plan and regulations.

xvi. Amendment Procedures

Chapter 8 also addresses the applicable procedures in the event a private application is made to amend the neighborhood plan document. A privately initiated amendment would be treated differently than a revision as discussed above. Revisions are the responsibility of the Ashley Lake Land Use Advisory Committee, with assistance from the Flathead County Planning and Zoning Office. An amendment to the plan would typically be triggered by a private party, would be to either the text or maps within the plan, and would follow the amendment process set forth in this section of the neighborhood plan as well as Chapter 9 of the Flathead County Growth Policy.

The original plan (adopted in 1997) does not differentiate between a Committee-initiated revision and a privately initiated amendment. However, the description of the amendment process within the original document closely reflects the requirements for revising and updating the plan. Page 12 of the original Ashley Lake Neighborhood Plan states that the amendment process is identical to the initial adoption process and requires local input, at least one public hearing before the Flathead County Planning Board followed by the County Commissioners final decision. As detailed under Section II.E(ii) of this report, the proposed update to the Ashley Lake Neighborhood Plan has followed the amendment process identified within the original plan as well as the update process for existing neighborhood plans identified in Chapter 10 of the Flathead County Growth Policy; the plan has allowed numerous opportunities for local input over three years, will have a planning board public hearing on August 10th, 2011 and will be followed by a review and decision by the Flathead County Commissioners.

B. Review of Consistency and Compliance with Flathead County Growth Policy.

i. Consistency and Compliance with Goals and Policies

Pursuant to Section 76-1-601 (4)(a) M.C.A., a neighborhood plan must be consistent with an adopted growth policy. The Flathead County Growth Policy was adopted March 19, 2007 by Resolution No. 2015A and provides broad guidance on land use county-wide through 50 goals and 262 accompanying policies identified within. The Implementation Plan found in Appendix C of the Growth Policy identifies how specific policies within the plan may be implemented, through the creation of land use policy or through specific action items. Appendix C attempts to separate policies identified in the document into

three separate categories based upon how they can be implemented. The categories are described as follows:

Policy: A specific but non-regulatory statement that directly guides a community towards meeting an established goal regarding the promotion of public health, safety, welfare and efficiency in the process of community development. Growth-related policies are frequently directly implemented with regulatory mechanisms.

Action Item: A statement providing guidance for future planning efforts and requiring a follow-up action such as creation of a subsequent, more detailed plan or educational outreach effort. Implementation of an action item (i.e. creation of an additional plan) can result in detailed policies regarding a specific issue.

Neither: The *policy* as stated in the Flathead County Growth Policy provides no specific guidance for growth or direction for future planning efforts.

To review for consistency with the Flathead County Growth Policy, staff will examine how the Ashley Lake Neighborhood Plan update relates to each land use policy that can be implemented through the use of neighborhood plans, as applicable and identified in Appendix C. Below is a list of applicable policies, separated by respective category, and a brief discussion on each as it relates to the plan:

Policy

- P.6.2 Restrict commercial development in unsafe, inaccessible, remote rural areas.*
The neighborhood plan recognizes certain types and scales of commercial activities may be inappropriate for the plan area, based upon current infrastructure and the remote, rural residential land use characteristics overwhelmingly present in the planning area
- P.7.3 Encourage small-scale, impact-mitigated and compatible commercial developments in accessible, developing rural areas with good access and away from urban areas.*
The plan recognizes certain small-scale, low-impact commercial uses (such as home occupations) as being appropriate for the planning area.
- P.10.4 Restrict development directly on lands with (30%) steep slopes.*
The neighborhood plan recognizes areas within the planning jurisdiction where 30% slopes are present (reference Figure 4); however, the plan is a non-regulatory document and any development would be guided and/or restricted based upon existing subdivision, zoning, lakeshore or floodplain regulations.
- P.23.4 Areas in proximity to employment and retail centers should be recognized as more suitable for higher residential densities and mixed use development.*
The neighborhood plan update acknowledges the area's limitations with regard to multi-family dwellings and mixed-use development uses such as resorts or marinas, through goals and policies encouraging rural residential uses and single-family development patterns. The recommended goals and policies are based

upon the lack of infrastructure, public utilities and services and current development patterns.

P.23.5 To protect public safety and allow safe travel, restrict development in areas without adequate road improvements.

As previously discussed, the plan indicates single family residential and agricultural land uses are most appropriate for the Ashley Lake planning area due in part to the existing road conditions and lack of infrastructure present.

P.32.6 Encourage subdivisions to either mitigate the impacts of delayed ambulance response times or limit density of development in identified rural areas.

The plan identifies the remote, rural characteristics of the planning area and recommends lower development densities as a result of delayed response times.

P.36.5 Identify and encourage land development practices that do not contribute to increases in Total Maximum Daily Loads.

Protecting water quality and the pristine nature of Ashley Lake is one of the main reasons the Ashley Lake Neighborhood Plan was originally developed. The plan update identifies educational opportunities for landowners to support broad-based knowledge and encourage the implementation of best management practices (BMPs) to ensure water quality is maintained or improved.

P.50.4 Consider relevant state and federal planning documents when reviewing development proposals that will impact federal or state lands.

While the plan does not identify existing state or federal planning documents specifically, the coordination statement detailed in Chapter 8 acknowledges the importance of communicating with state and federal agencies with regard to land use and planning-related issues.

Action Items

P.3.2 Evaluate land uses and trends in agricultural and timber lands, and present ideas through research and discuss tools that could be used to encourage suitable development.

The plan does not implement this policy; however, it recognizes the prevalence of timber lands and silvicultural activities within the plan area.

P.3.5 Identify reasonable densities for remote, rural development that do not strain the provision of services or create a public health or safety hazard.

The plan recognizes the limitations placed upon residential development in the Ashley Lake planning area based upon its remote, rural character, sub-standard transportation network, location outside a rural fire district and public water and sewer district. The plan generally supports single-family residential uses consistent with the existing development patterns of the area and suggests limited high-density residential development in the form of multi-family dwellings or resort-type uses.

- P.4.3 Identify a desirable gross density for rural residential development that retains land values, preserves the agricultural character of the community and allows for efficient provision of government services (law enforcement, fire protection, transportation, etc.)*
As previously stated, the neighborhood plan supports a low-density, single-family residential land use pattern consistent with what is currently present within the neighborhood plan area. This is based upon the plan's remote location, lack of public services and facilities and anticipated delayed response times in the event of an emergency.
- P.4.6 Develop proposals for community-based incentives for farmers and forest landowners to maintain farms/forest in order to share the cost of preserving the custom, culture, and character of agriculture in Flathead County*
The plan does not directly implement this policy; however, it recognizes that privately-owned timber lands comprise a large portion of the plan area.
- P.6.2 Restrict commercial development in unsafe, inaccessible, remote rural areas.*
A discussion of this policy occurred under the "Policy" category above. As previously discussed, the neighborhood plan recognizes certain types and scales of commercial activities may be inappropriate for the plan area, based upon current infrastructure and the remote, rural residential land use characteristics overwhelmingly present in the planning area.
- P.7.3 Encourage small-scale, impact-mitigated and compatible commercial developments in accessible, developing rural areas with good access and away from urban areas.*
A discussion of this policy occurred under the "Policy" category above. As previously stated, the plan recognizes certain small-scale, low-impact commercial uses (such as home occupations) as being appropriate for the planning area.
- P.7.4 Identify existing areas that are suitable for impact-mitigated commercial uses.*
The plan does not identify specific areas where commercial development may be appropriate; rather, it identifies certain low-impact, limited commercial uses such as home occupations that may be appropriate within the planning area.
- P.9.1 Identify open spaces that serve a critical role in public and environmental health, safety and general welfare.*
The foundation of the neighborhood plan revolves around Ashley Lake and its importance to members of the Ashley Lake community as well as the general public, and the health and wellness of the environment. While not typically perceived as 'open space', the lake's fundamental relationship to the planning document meets the intent of this land use policy.
- P.10.4 Restrict development directly on lands with (30%) steep slopes.*

A discussion of this policy occurred under the “Policy” category above. As previously stated, the neighborhood plan recognizes areas within the planning jurisdiction where 30% slopes are present (reference Figure 4). However, the plan is a non-regulatory document and any development would be guided and/or restricted based upon existing subdivision, zoning, lakeshore or floodplain regulations.

P.11.3 Determine road and recreational waterway corridors with scenic resources that are valued by both residents and visitors.

The plan acknowledges the high recreational value of Ashley Lake and the surrounding area (predominantly utilized for activities including fishing, camping, boating, hunting, etc.). In doing so, the plan is generally supportive of preserving the quality and openness of the lake, but does not offer specific guidance or encourage additional recreational uses within the planning area or as part of the planning document.

P.18.6 Flathead County should preserve and increase recreational access to public lands and waterways by procuring necessary land, easements, or rights of way.

The plan encourages additional open space by supporting development standards that maximize the value and usefulness of these areas while minimizing impacts to the lake. The plan also identifies instances of local, state or federally-owned land where the public currently has access to Ashley Lake.

P.19.1 Encourage parks, planning, maintenance and development coordination with other local jurisdictions, state, and federal agencies.

The plan encourages mechanisms for the creation of additional open space and homeowner’s parks by supporting development standards that would maximize the usefulness of these areas while minimizing impacts to the lake and lakeshore. The coordination statement supports communication and involvement between the Ashley Lake community and local, state and federal agencies when it comes to land use planning and development activities within the plan area.

P.23.4 Areas in proximity to employment and retail centers should be recognized as more suitable for higher residential densities and mixed use development.

A discussion of this policy occurred under the “Policy” category above. The neighborhood plan update acknowledges the area’s limitations with regard to multi-family dwellings and mixed-use development uses such as resorts or marinas, through goals and policies encouraging rural residential uses and single-family development patterns. The recommended goals and policies are based upon the lack of infrastructure, public utilities and services and current development patterns.

P.23.5 To protect public safety and allow safe travel, restrict development in areas without adequate road improvements.

A discussion of this policy occurred under the “Policy” category above. As previously discussed, the plan indicates single family residential and agricultural

land uses are most appropriate for the Ashley Lake planning area due in part to the existing road conditions and lack of infrastructure present.

- P.30.1 Areas of higher susceptibility to impacts from septic systems due to soils, depth to groundwater, proximity to sensitive surface waters, topography, and/or density of development should be identified.*
The plan encourages further research and collaboration with agencies such as the Flathead City-County Health Department's Environmental Health Division, to better understand the impacts older septic systems have on the water quality within Ashley Lake, as well as impacts resulting from the long-term placement of recreational vehicles on property lacking the appropriate water and sewer utilities.
- P.32.6 Encourage subdivisions to either mitigate the impacts of delayed ambulance response times or limit density of development in identified rural areas.*
A discussion of this policy occurred under the "Policy" category above. The plan identifies the remote, rural characteristics of the planning area and recommends lower development densities as a result of delayed response times.
- P.36.5 Identify and encourage land development practices that do not contribute to increases in Total Maximum Daily Loads.*
A discussion of this policy occurred under the "Policy" category above. Protecting water quality and the pristine nature of Ashley Lake is one of the main reasons the Ashley Lake Neighborhood Plan was originally developed. The plan update identifies educational opportunities for landowners to support broad-based knowledge and encourage the implementation of best management practices (BMPs) to ensure water quality is maintained or improved.
- P.36.6 Support non-point source pollution reduction within the Flathead Basin watershed.*
Similar to Policy 36.5 above, the plan identifies opportunities to educate residents on steps that can be taken to reduce non-point source pollution to improve the water quality of Ashley Lake.
- P.39.1 Use scientific studies to identify locations of riparian areas and delineated wetlands.*
The plan utilizes the National Wetland Inventory to identify wetlands within the plan area.
- P.40.1 Use scientific studies to identify locations over shallow aquifers.*
The plan was not able to identify locations of shallow aquifers based on scientific studies.
- P.50.4 Consider relevant state and federal planning documents when reviewing development proposals that will impact federal or state lands.*
A discussion of this policy occurred under the "Policy" category above. While the plan does not identify existing state or federal planning documents specifically,

the coordination statement detailed in Chapter 8 acknowledges the importance of communicating with state and federal agencies with regard to land use and planning-related issues.

There were no policies identified under the “Neither” category of the Appendix C that identified neighborhood plans as an implementation strategy. Additionally, it should be noted that the review above, while comprehensive, does not list all policies found within the Growth Policy document. The policies reviewed are those that are directly applicable to the Ashley Lake Neighborhood Plan; policies not included in the above list are considered not applicable and/or not relevant to the neighborhood plan being reviewed.

In addition to Appendix C, there are other elements of the Growth Policy with which the neighborhood plan should be consistent. Chapter 9 identifies the implementation strategy for the Flathead County Growth Policy. Because the plan is an implementation of the Growth Policy, it should be consistent with all applicable parts of Chapter 9. Applicable portions of Chapter 9 have been identified by staff as follows:

- Under the heading “Designated Land Use Map” on page 135, a discussion of how the designated land use map is the foundation for zoning and neighborhood plans. Designated land use maps are meant to be consistent with the regulations and the individual plan documents. The map is to be changed as zoning changes, and as neighborhood plans are adopted. The Ashley Lake Neighborhood Plan area and corresponding zoning district have been identified on the Designated Land Use 2006 map adopted as part of the growth policy document. The Ashley Lake area is unique in that the underlying land use is a combination of agriculture, residential, federal and small-scale commercial, and these land uses form the basis for the Ashley Lake zoning designation. Instead of implementing a Euclidian zoning model, the Ashley Lake Neighborhood Plan uses these predominant land uses to establish a performance based zoning district that is predominantly residential but classified “Ashley Lake” with regard to land use.
- On page 139 under “Neighborhood Plans”, the Growth Policy states that all Neighborhood Plans adopted as a part of the 1987 Master Plan are incorporated as addenda to the Growth Policy and should be reviewed for consistency with the provisions of Chapter 10 of the Growth Policy.
- As previously reviewed in Section IV.A(xv) above, the Ashley Lake Neighborhood Plan sets forth a revision and amendment process that complies with the review criteria for Growth Policy amendments found on page 144 of the growth policy document.

ii. Consistency and Compliance with Chapter 10- Neighborhood Plans

The following goal and related policies are found in Chapter 10 and are specific to neighborhood plans and applicable to the Ashley Lake Neighborhood Plan update:

G.45 Honor the integrity and purpose of existing neighborhood plans respecting the time and effort of the community involvement that has taken place.

P.45.1 Previously existing neighborhood plans are to remain in effect until revised by the Flathead County Board of Commissioners, are hereby incorporated into the Growth Policy as addenda to it and are deemed consistent with the existing Growth Policy.

The Ashley Lake Neighborhood Plan is listed as an existing neighborhood in Table 10.1 found on page 158 of the Flathead County Growth Policy.

P.45.2 Existing neighborhood plans will be reviewed by the Flathead County Planning Board and Zoning Office⁵ to determine whether Flathead County and the landowners in the neighborhood plan area should update the neighborhood plan. This review may be part of the statutorily required 5 year review or may occur sooner.

Existing neighborhood plans were reviewed and presented to the Flathead County Planning Board on September 12, 2007. The Ashley Lake Neighborhood Plan was identified as being in need of review for consistency with the Growth Policy, as well as consistency with current conditions affecting the planning area. At this meeting the Planning Board directed the Planning and Zoning Office to proceed with updating neighborhood plans.

P.45.3 If the Flathead County Planning and Zoning Office determines that a neighborhood plan should be updated, then the planning staff may, at the request of the County Commissioners or majority of the Planning Board initiate an amendment to the neighborhood plan.

As previously stated in response to Policy 45.2 above, existing neighborhood plans were reviewed by planning staff and presented to the Flathead County Planning Board on September 12, 2007. The Ashley Lake Neighborhood Plan was identified as being in need of review for consistency with the Growth Policy, as well as consistency with current conditions affecting the planning area. At this meeting the Planning Board directed the Planning and Zoning Office to proceed with updating neighborhood plans.

P.45.4 Simplified subdivision and development review processes, once developed by Flathead County for neighborhood plan areas, will apply to the areas included in the existing neighborhood plans.

The plan does not directly implement this policy.

Chapter 10 also includes five (5) parts in reference to neighborhood plans and the planning process. A brief overview of how the Ashley Lake Neighborhood Plan complies with each of these parts is as follows:

Part 1: Neighborhood Plans in General

⁵ This language is taken verbatim from page 146 of the Flathead County Growth Policy. It is most likely intended to mean an existing neighborhood plan should be reviewed by the Flathead County Planning and Zoning Office to determine whether an update is necessary; this would ensure consistency with Policy 45.3 that follows.

The elements of what neighborhood plans may contain is listed on page 147 of the Growth Policy. The Ashley Lake Neighborhood Plan contains each of these elements excepting a future land use map and description of land use categories. This is because the Ashley Lake planning area is currently zoned, and the existing land use map quantifies the types of land uses present – agriculture, residential, commercial (limited) and federal – that are reflective of the types of land uses accommodated by the “Ashley Lake” zoning designation and anticipated as part of the future vision for the Ashley Lake community.

Part 2: The Neighborhood Planning Process

Part 2 outlines the process required for the creation of a new neighborhood plan and directs existing neighborhood plans to reference Part 4. The Ashley Lake Neighborhood Plan was adopted in 1997 and is recognized in Table 10.1 found on page 158 of the Flathead County Growth Policy as an existing neighborhood plan. Therefore this portion of Chapter 10 is not directly applicable.

Part 3: Land Use Categories

Part three states that neighborhood plans must accommodate and guide all appropriate types of growth toward areas of a community deemed appropriate; this is often done by establishing land use categories for a neighborhood planning area and assigning those land uses, as appropriate, to a designated land use map. This process is a requirement for new neighborhood plans; however, page 152 of the Growth Policy states that while existing plans must similarly accommodate and guide appropriate types of growth, existing plans are not required to follow the land use categorization methods outlined below. Instead they must follow the appropriate steps outlined in Chapter 10, Part 4 of the Growth Policy.

Part 4: Existing Plans

Part 4 identifies the existing neighborhood plans recognized throughout the County and provides steps that should be followed for their revisions.

1. Guidance from Planning Board and Commissioners:

On September 12, 2007, the Flathead County Planning Board directed the Planning and Zoning Office to work on revising the existing neighborhood plans.

2. Public Workshops:

The Ashley Lake Land Use Advisory Committee held numerous public meetings and workshops to discuss, create, revise and review drafts of the neighborhood plan update between 2009 and the present. In addition, the Flathead County Planning Board held a public workshop in March of 2011 to review the draft plan and provide guidance to the Committee prior to its formal submittal.

3. Comment on Draft:

The Ashley Lake Land Use Advisory Committee held a formal comment period on the first complete revised draft of the Ashley Lake Neighborhood

Plan, lasting approximately 60 days (between August and October 2010). The Flathead County Planning Board began a formal public comment period on the final draft June 30th, 2011 that will close on August 10th, 2011 when the Planning Board closes the public hearing.

4. *Planning Board Review and Revision:*

The Planning Board will hold a public hearing on the revised draft on August 10th, 2011. The Planning Board may make revisions to the plan as necessary before forwarding the plan by resolution to the County Commissioners for consideration.

5. *Final Public Review and Comment:*

Following the Planning Board hearing, the County Commissioners will consider the final revised draft of the Ashley Lake Neighborhood Plan. At their discretion, the Commissioners may hold a public hearing on the proposed neighborhood plan update. Pursuant to 76-1-604 M.C.A., the Commissioners may decide to adopt a resolution of intent to adopt, adopt with revisions, or reject a proposed amendment to the Growth Policy. Should the Commissioner vote to adopt a resolution of intent to approve and adopt the neighborhood plan update, a comment/protest period may be held for a length of time established by the Commissioners.

Part 5: Neighborhood Plan Implementation and Monitoring

The Ashley Lake Land Use Committee was created following the adoption of the original plan, and would continue to facilitate the implementation of goals and policies proposed as part of the neighborhood plan update. The Ashley Lake Neighborhood Plan update contains both implementation and monitoring elements that are consistent with the Growth Policy. If adopted, these elements would guide future monitoring, revisions and amendments to the Ashley Lake Neighborhood Plan, in addition to the procedures identified in Part 4, Chapter 10 of the Growth Policy referencing existing neighborhood planning documents.

V. CONCLUSION

The proposed update to the Ashley Lake Neighborhood Plan appears consistent with the goals and policies found within the Flathead County Growth Policy, as well as the provisions found in Chapter 10 of the growth policy document and 76-1-601 (4)(a) M.C.A. The completed review by the staff of the Flathead County Planning Board generally supports a recommendation of approval, by resolution, of the updated Ashley Lake Neighborhood Plan to the Flathead County Commissioners.

Planner: AM